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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,288	01/27/2000	Kenji Yoshioka	0102/0097	9693

21395 7590 08/12/2003

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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/12/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/492,288

Applicant(s)

YOSHIOKA ET AL.

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15-17 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-10,12-17 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,6,8,20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Tendler (US Patent Number 5736962) and further in view of Goldberg (US Patent Number 4829565)

Regarding claims 1 and 20, Timm et al disclose an emergency reporting apparatus for a vehicle comprising a microphone (fig. 1; microphone 28); a loudspeaker (fig. 1, speaker 29); a hands-free system circuit (fig. 6; abstract; col. 3; lines 9-15; and fig. 1 and 5); and a means for allowing hands-free two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, and the hands-free system circuit; a communication device (see abstract and fig. 1); and a processor operates to implement handsfree two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, the handsfree system circuit, and the communication device (see abstract and fig. 1 and 5).

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Timm et al are silent to disclose a volume control circuit connected to the loudspeaker for automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher during two-way speech communication between said emergency report receiving center and said emergency reporting apparatus; .

However, Tendler disclose a hansfree having a volume control (see fig. 4; col. 6, lines 42-45). And Goldberg discloses an automatic volume control maintains sound volume at a relatively constant level (see col. 2, lines 32-36). It is apparent that a combination of the Tendler and Goldberg references with Timm et al reference would suggest that a volume control circuit connected to the loudspeaker for automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher during twoway speech communication between said emergency report receiving center and said emergency reporting apparatus.

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tendler and Goldberg to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

Regarding claims 2 and 23, the emergency reporting apparatus for a vehicle of Timm as modified in view of Tendler and Goldberg comprises all of the limitation as applied to claims 1 and 22. Goldberg discloses an automatic volume control maintains sound volume at a relatively constant level (see col. 2, lines 32-36). It is apparent that Golberg reference discloses inhibiting a user from changing the volume level, and means for preventing the volume level of sound generated by the loudspeaker from being decreased to less than the predetermined constant level.

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Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Golberg to Timm so that user can avoid the case of miss hearing.

Regarding claim 3, the emergency reporting apparatus for a vehicle of Timm as modified in view of Tendler and Goldberg comprises all of the limitation as applied to claim 1. Goldberg also discloses the volume control circuit comprises means for controlling the volume level at the predetermined constant level during emergency reporting communication and means for allowing a user to change the volume (see col. 2, lines 32-36). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Goldberg to Timm et al so that user can avoid the case of miss hearing.

Regarding claim 6, Timm et al disclose an emergency reporting apparatus modified by Tendler and Goldberg comprising all of the limitations as claimed in claim 1. Timm et al also shows means for receiving a volume level control signal from the emergency report receiving center (see fig. 1 and 5). And Tendler and Goldberg disclose means for controlling the volume control circuit to adjust the volume level of sound generated by the loudspeaker in response to the received volume level control signal (see explanation in claim 1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tendler and Goldberg to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

Regarding claim 8, Timm teaches an emergency reporting network system comprising an emergency report receiving center; a communication network; and emergency report apparatuses

Regarding claim 8, Timm teaches an emergency reporting network system comprising an emergency report receiving center; a communication network; and emergency report apparatuses connectable with the emergency report receiving center via the communication network (see fig. 1). Timm et al, Tendler and Goldberg teach wherein each of emergency reporting apparatus comprising the emergency reporting apparatus of claim 1 (see explanation in claim 1). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tendler and Goldberg to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

Regarding claim 22, Timm et al disclose an emergency reporting apparatus for a vehicle comprising a microphone (fig. 1; microphone 28); a loudspeaker (fig. 1, speaker 29); a hands-free system circuit (fig. 6; abstract; col. 3; lines 9-15; and fig. 1 and 5); and a means for allowing hands-free two-way speech communication with an emergency report receiving center via the microphone, the loudspeaker, and the hands-free system circuit. Timm et al are silent to disclose a volume control circuit connected to the loudspeaker for automatically controlling a volume level of sound generated by the loudspeaker at a predetermined constant level or higher during emergency reporting in response to a desired volume signal.

However, Tendler disclose a handsfree having a volume control (see fig. 4; col. 6, lines 42-45). And Goldberg discloses a automatic volume control maintains sound volume at a relatively constant level (see col. 2, lines 32-36). It is apparent that a combination of the Tendler and Goldberg references with Timm et al reference would suggest that a volume control circuit connected to the loudspeaker for automatically controlling a volume level of sound generated by

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Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Tendler and Goldberg to Timm in order to avoid problem of fluctuating, audible background noise and help vehicle operator communicates or report with/to the center more clear.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Tendler (US Patent Number 5736962) and further in view of Goldberg (US Patent Number 4829565) and Fujiki et al (US Patent Number 6188891)

Regarding claim 4, the emergency reporting apparatus for a vehicle of Timm as modified in view of Tendler and Goldberg comprises all of the limitation as applied to claim 1 above. Goldberg also discloses the volume control circuit comprises first means for controlling the volume level at the predetermined constant level during emergency reporting communication (see explanation in claim 1). They are silent to disclose second means for allowing a user to change the volume level after the first means controls the volume level at the predetermined constant level. However, it would have been obvious to one of ordinary skill in the art that second means for allowing a user to change the volume level after the first means controls the volume level at the predetermined constant level so that user can adjust the volume level to a desired level after emergency reporting. Timm, Tendler and Goldberg are also silent to disclose the third means for preventing the volume level from moving out of a predetermined range after the volume level is changed via the second means. Fujiki discloses means for setting the volume level to a predetermined level such as the maximum level (see col. 2, lines 40-44). It is apparent that at the maximum level, user is prevented to change the volume level moving out of a predetermined range. Therefore, It would have been obvious to one of ordinary skill in the art at

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that at the maximum level, user is prevented to change the volume level moving out of a predetermined range. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Fujiki to Timm, Tendler and Goldberg for controlling the volume level at the predetermined level, and inhibiting users to change the volume level so that it can avoid the case of miss hearing.

4. Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Tendler (US Patent Number 5736962) and further in view of Goldberg (US Patent Number 4829565) and Nevins et al. (US Patent number 5949886)

Regarding claims 5 and 7, the emergency reporting apparatus for a vehicle of Timm as modified in view of Tendler and Goldberg comprises all of the limitation as applied to claim 1 above. Timm et al further teach means for receiving a volume level control signal from an external device (see explanation in claim 1), except for means for detecting a level of background sound noise inputted via the microphone, and means for controlling the volume control circuit to adjust the volume level of sound generated by the loudspeaker in response to the detected level of background sound noise. However, Nevins teach that means for detecting a level of background sound noise inputted via the microphone, and means for controlling the volume control circuit to adjust the volume level (see abstract and col. 1, lines 16-27). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Nevins to Timm so that the user is notified of a possible error condition if the signal level falls below and goes over a predetermined threshold.



5. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Skeen (US Patent Number 5734315).

Regarding claim 9, Timm et al teach in a vehicle including an audio system, a method of reporting an emergency comprises the steps of allowing hands-free speech communication with an emergency report receiving center via a microphone and a loudspeaker; and using a loudspeaker of the audio system as the hands-free speech communication speaker (see abstract; col. 3; lines 9-15; and fig. 5). Timm are silent to disclose that in case where the loudspeaker of the audio system is wrong, replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker. However, Skeen discloses replace an ear piece with a speaker in an emergency vehicle (see col. 3, lines 1-10). It is apparent that Skeen would suggest in case where the loudspeaker of the audio system is wrong, replacing the loudspeaker of the audio system with another loudspeaker of the audio system and thereby using another loudspeaker of the audio system as the handsfree speech communication loudspeaker. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Skeen to Timm so that user can avoid the case of miss hearing.

Regarding claim 13, the audio system method in a vehicle of Timm as modified in view of Skeen comprising all of the limitation as claimed. Skeen also discloses wherein the replacing step comprising the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to a loudspeaker change requirement signal transmitted from the emergency report receiving center (see col. 3, lines 1-10). Therefore, It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Skeen to Timm so that user can avoid the case of miss hearing.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Skeen (US Patent Number 5734315) and further in view of Warnaka et al. (US Patent number 6356641)

Regarding claim 10, the audio system method in a vehicle of Timm as modified in view of Skeen comprises all of the limitation as applied to claim 9 above. They fail to teach that one of an audio system loudspeakers located in a right front door, a right rear door, a left front door, a left rear door. However, Warnaka teach that one of an audio system loudspeakers are located in a right front door, a right rear door, a left front door, a left rear door (see col. 2, lines 8-25).

Warnaka does not mention that loudspeakers are located at a right portion of a rear seat, and a left portion of the rear seat. However, Warnaka shows that more speakers are added to the other location in the vehicle (see col. 1, lines 8-25). It is apparent that loudspeakers could be located at a right portion of a rear seat, and a left portion of the rear seat. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Warnaka to Timm and Skeen for the emergency reporting vehicle comprising loudspeakers located in the desired location in order to improve the sound inside the vehicle.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Skeen (US Patent Number 5734315) and further in view of Dawson et al. (US Patent number 4683591)

Regarding claim 12, the method of emergency reporting vehicle of Timm as modified in view of Skeen comprises all of the limitation as claimed. They are silent to teach that the replacing step comprising the step of replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to user's manual operation. However, Dawson teach that audio system comprising switch for switching speaker to another speaker in audio system, and means for selecting speakers (see fig. 3 and col. 12, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Dawson to Timm and Skeen in order for avoiding losing communication between user and the emergency report center during emergency reporting.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Skeen (US Patent Number 5734315) and further in view of Hamada et al. (US Patent number 5295192).

Regarding claim 15, the method of emergency reporting vehicle of Timm as modified in view of Skeen comprises all of the limitation as claimed. They fail to teach detecting a level sound generated by the loudspeaker of the audio system, and replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to the detected sound level. However, Hamada disclose an electronic noise attenuation method comprising a sensor to detect a level sound generated by the loudspeaker (see col. 1, line 30-40). It is apparent that a sensor to detect a level sound generated by the loudspeaker of Hamada can be applied to the Applicant's sensor as claimed, and user can replace the loudspeaker with another one in response to the detected sound level. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Hamada to Timm and

Skeen in order for avoiding the noise during communication between user and the emergency report center.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Timm et al. (US Patent number 5890061) in view of Skeen (US Patent Number 5734315) and further in view of Rose. (US Patent number 3678202)

Regarding claim 16, the method of emergency reporting vehicle of Timm as modified in view of Skeen comprises all of the limitation as claimed. Timm and Skeen are silent to teach the steps of detecting an impedance of the loudspeaker of the audio system, replacing the loudspeaker of the audio system with another loudspeaker of the audio system when the loudspeaker is wrong. However, Rose teaches that detecting an impedance of the loudspeaker of the audio system and replacing the loudspeaker of the audio system with another loudspeaker of the audio (see col. 2, lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Rose to Timm and Skeen in order for avoiding losing communication between user and the emergency report center during emergency reporting.

10. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Tran et al. (US Patent Number 6359987).

Regarding claim 17, Timm et al teach an emergency reporting apparatus for a vehicle including an audio system comprising: a microphone; a loudspeaker; a hands-free system circuit (see abstract; col. 3; lines 9-15; and fig. 5); and a means for allowing hands-free two-way speech

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communication with an emergency report receiving center via the microphone, the loudspeaker, and the hands-free system circuit; wherein the handsfree speech communication loudspeaker uses a loudspeaker of the audio system (see abstract and fig. 1). Timm et al are silent to disclose means for automatically selecting one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker. However, Tran et al disclose means for automatically selecting one from among a plurality of loudspeakers of the audio system (see col. 3, lines 25-26). It is apparent that combination of Tran et al reference with Timm would suggest that means for automatically selecting one from among a plurality of loudspeakers of the audio system as the handsfree speech communication loudspeaker. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Tran et al to Timm et al in order for using a selected speaker automatically in according with a road traveling route.

Regarding claim 21, Timm et al teach an emergency reporting apparatus for a vehicle having an audio system including a plurality of loudspeakers comprising: a microphone; a hands-free system circuit; a communication device (see abstract; col. 3; lines 9-15; and fig. 5); and a processor operates to implement hands-free two-way speech communication with an emergency report receiving center via the microphone, the hands-free system circuit; the communication device. Timm et al are silent to disclose at least one selected loudspeaker from among the plurality of loudspeakers of the audio system of the vehicle having determined to be operational. However, Tran et al disclose at least one selected loudspeaker from among the plurality of loudspeakers of the audio system having determined to be operational (see col. 3, lines 24-38 and explanation in claim 17). Therefore, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to provide the above teaching of the Tran et al to Timm et al in order for using a selected speaker automatically in according with a road traveling route.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Tran et al. (US Patent Number 6359987) and further in view of Dawson et al. (US Patent number 4683591)

Regarding claim 19, the method of emergency reporting vehicle of Timm as modified in view of Tran et al comprises all of the limitation as claimed. Timm et al and Tran et al are silent to teach a unit manually operable by a user, and means for selecting one from among loudspeakers of the audio system as the handsfree speech communication loudspeaker in response to manual operation to the unit by the user. However, Dawson teach that audio system comprising switch for switching speaker to another speaker in audio system, and means for selecting speakers (see fig. 3 and col. 12, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Dawson to Timm and Tran et al in order for avoiding losing communication between user and the emergency report center during emergency reporting.

***Allowable Subject Matter***

12. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims.

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Regarding claim 14, Timm in view of Warnaka and further in view of Dawson fail to teach that a DTMF signal is used as the loudspeaker change requirement signal, as specified in claim 14.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 7036054254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-9508 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*DN*

July 29, 2003

*Erika Gary*  
ERIKA GARY  
PATENT EXAMINER